IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

Bail Appl..No. 5582 of 2007()

[CRIME NO.253/2007 OF NADAPURAM POLICE STATION]

PETITIONER/ACCUSED NO.1

ABID, S/O. SHAMSUDHIN,KALATHIL HOUSE,
KADUKKA BAZAR,CHOKLI,KANNUR DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA THROUGH THE
SUB INSPECTOR OF POLICE,NADAPURAM POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5582 of 2007

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Dated this the 18th day of September, 2007

ORDER

Application for anticipatory bail. The petitioner is the 1st accused. He faces allegations for offences punishable under Sections 366A and 376 of the IPC. The crime was initially registered under the caption 'girl missing'. Later a writ petition was filed before this Court. The minor child was born on 31.03.91. She was found missing on 22.06.07. It is the case of the guardian of the child in the writ petition that the child had left on her own will and was pregnant by two months. She was in love with the petitioner. She was subsequently taken away to her mother. Investigation is in progress. The petitioner apprehends imminent arrest. He seeks anticipatory bail.

2. The learned Public Prosecutor does not oppose the said prayer. The learned Public Prosecutor only submits that appropriate conditions may be imposed. I am satisfied ,in the facts and circumstances of the case, that anticipatory bail can be granted to the petitioners.

3. In the result this petition is allowed. The following directions are issued under Sec.438 Cr.P.C

i) Petitioner shall surrender before the learned Magistrate

having jurisdiction at 11 a.m on 25/9/2007.

ii) He shall be released on regular bail on condition that he execute a bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 26.09.07, 27.09.07 and 28.09.2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 25.09.2007, he shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) without any sureties, undertaking to appear before the learned Magistrate on 25/9/2007.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE